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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Brenda MONTEJANO** Defendant.	Magistrate Case No. '08 MJ 0500 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien Without Presentation

The undersigned complainant being duly sworn states:

On or about **February 20, 2008**, within the Southern District of California, defendant **Brenda MONTEJANO**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Adriana LOPEZ-Montes**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21**st DAY OF **FEBRUARY, 2008**.

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Adriana LOPEZ-Montes** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 20, 2008 at approximately 2:21 am, **Brenda MONTEJANO (Defendant)** made application for admission into the United States from Mexico at the San Ysidro, California Port of Entry as the driver of a gray 1988 Toyota mini-van. Defendant presented a Washington state identification card bearing her true name and photograph to a Customs and Border Protection (CBP) Officer and a copy of a California birth certificate establishing United States citizenship. Defendant gave a negative customs declaration and presented paperwork for the vehicle. The CBP Officer observed discrepancies in the vehicle paperwork and subsequently referred Defendant and the vehicle to secondary for further inspection.

In secondary, a non-factory dashboard compartment was discovered by CBP Officers. One female individual was extracted from the compartment. The female was determined to be a citizen of Mexico without entitlements to enter the United States and is now identified as **Adriana LOPEZ-Montes (Material Witness)**.

During a videotaped interview Defendant was advised of her Miranda rights. Defendant acknowledged her rights and elected to submit to questioning without an attorney present. Defendant admitted to knowingly facilitating in the illegal entry of one female undocumented alien into the United States through the San Ysidro, California Port of Entry in a gray Toyota minivan. Defendant admitted that the sole purpose of her visit to Tijuana, Mexico was to smuggle an undocumented alien into the United States. Defendant admitted her intentions were to smuggle Material Witness into the United States for a monetary compensation of $300.00 USD.

During a videotaped interview Material Witness admitted she is a citizen of Mexico without legal documents to enter into, pass through, or remain in the United States. Material Witness stated she intended to travel to Los Angeles, California to seek residency and employment. Material Witness admitted she was to pay approximately $3,000.00 USD to an unknown male to facilitate her illegal entry into the United States.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

UNITED STATES MAGISTRATE JUDGE